

11 Barbara Kob,

12 No. C-07-2211 JL

13 Plaintiff,

14 CASE MANAGEMENT AND  
15 PRETRIAL ORDER

v.

16 County of Marin, et al.,

17 Defendants.

18 /

19 Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following case  
20 management and pretrial order is entered:

21 1. TRIAL DATE

22 a. Jury trial will begin on July 1, 2009 at 9:00 a.m. in Courtroom F, 15th  
23 Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

24 b. The length of the trial will be not more than 10 days.

25 2. DISCOVERY

26 All discovery shall be completed by April 21, 2009.

27 In the event of a discovery dispute the parties shall use the following  
28 procedure:

29 Parties shall meet and confer in person, or, if counsel are located outside the Bay  
30 Area, by telephone, to attempt to resolve their dispute informally. A mere exchange of

1 letters, telephone calls, or facsimile transmissions does not satisfy the requirement to meet  
2 and confer.

3 If, after a good faith effort, the parties have not resolved their dispute, they shall  
4 prepare a concise joint statement, of five pages or less, stating the nature and status of  
5 their dispute. The parties shall not file affidavits or exhibits. If a joint statement is not  
6 possible, each side may submit a two-page individual statement. The Court will advise the  
7 parties regarding the need, if any, for formal briefing or a hearing.

8 3. MOTIONS

9 All dispositive motions shall be served and filed not less than **thirty-five (35)** days  
10 prior to the scheduled hearing date. Any opposition shall be served and filed no later than  
11 **twenty-one (21)** days prior to the hearing date. Any reply to the opposition shall be served  
12 and filed no later than **fourteen (14)** days prior to the hearing. Prior to a dispositive motion,  
13 the parties shall meet and confer and, at the time the motion is filed, submit a joint  
14 statement of undisputed facts.

15 5. PRETRIAL CONFERENCE

16 a. A final pretrial conference shall be held on April 29, 2009, at 11:00  
17 a.m., in Courtroom F, 15th Floor. Each party shall attend personally or by counsel who will  
18 try the case.

19 b. **Not less than thirty (30) days** prior to the date of the pretrial  
20 conference, all counsel or parties shall meet and fulfill the requirements of Civil Local Rule  
21 16-10(b).

22 c. **Not less than twenty (20) days** prior to the pretrial conference,  
23 counsel or parties shall

24 (I) serve and file a joint pretrial statement pursuant to Local Rule 16-10  
25 (b);

26 The pretrial statement shall include the disclosures required by Fed. R. Civ. P.  
27 26(a)(3) as well as the following:

28

1 THE ACTION

2 Substance of the Action

3 Relief Prayed

4 FACTUAL BASIS FOR THE ACTION

5 Undisputed Facts

6 Disputed Factual Issues

7 Agreed Statement

8 Stipulations

9 DISPUTED LEGAL ISSUES

10 (List)

11 TRIAL PREPARATION

12 Witnesses to be Called

13 Exhibits, Schedules and Summaries;

14 Trial

15 Estimate of Trial Time

16 Use of Discovery Responses at Trial

17 Further Discovery or Motions

18 TRIAL ALTERNATIVES AND OPTIONS

19 Settlement Discussions

20 Amendments - Dismissals

21 Bifurcation, Separate Trial of Issues

22 MISCELLANEOUS

23 Any other concerns of the parties

24 d. At the same time that the parties file their joint pretrial statement they  
25 shall also:  
26 (ii) Serve and file trial briefs, which shall specify each cause of  
27 action and defense remaining to be tried along with a statement of the  
28 applicable legal standard (no opposition shall be filed);

(iii) Serve and file motions *in limine*, which shall be contained in one document. Motions in limine will be decided at the Pretrial Conference.

4 e. Serve and file a list of excerpts from discovery that will be offered at  
5 trial, specifying the witness, page and line references and whether the excerpt is to be  
6 offered in lieu of testimony or as impeachment;

7 f. Serve and file a list of witnesses likely to be called at trial, in person or  
8 by deposition, other than solely for impeachment or rebuttal, with a brief statement  
9 describing the substance of the testimony to be given;

10 g. Serve and file a numerical list of exhibits (including demonstrative  
11 exhibits that may be admitted into evidence but not those that are purely illustrative), with a  
12 brief statement describing the substance and purpose of each exhibit and the name of the  
13 sponsoring witness;

14 h. Exchange exhibits which shall be premarked, tabbed and in binders  
15 (plaintiff shall use numbers and defendant shall use letters); and deliver the original and  
16 **two** duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at  
17 least one week before trial.

18 || (See Label)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No.

## Exhibit No.

Date entered:

1 RICHARD W. WIEKING, Clerk  
2 By: \_\_\_\_\_  
3 Deputy Clerk

4 i. Serve and file proposed joint voir dire questions and joint jury  
5 instructions for cases to be tried by jury (further instructions regarding jury instructions  
6 below);  
7 j. Serve and file proposed findings of fact and conclusions of law for cases  
8 to be tried by the Court.  
9 k. Serve and file a proposed verdict form which contains no reference to  
10 submitting party.  
11 l. **Two courtesy copies** of trial briefs and motions in limine shall be  
12 provided.  
13 m. No party shall be permitted to call any witness or offer any exhibit in its  
14 case in chief that is not disclosed in these pretrial filings without leave of court and for good  
15 cause.  
16 7. **Not less than nine calendar days** prior to the pretrial conference, counsel or  
17 parties shall serve and file any opposition or objection to motions in limine and to those  
18 items required by section 6 (e), (f), (i),(j), and (k) of this order. Additionally, counsel or  
19 parties shall file any objections to the qualifications of expert witnesses contained in the  
20 opposing party's witness list. Objections not filed as required will be deemed waived. No  
21 replies shall be filed. All motions and objections shall be heard at the pretrial conference  
22 unless otherwise ordered.

23 8. JURY TRIAL

24 a. Counsel shall submit an **agreed upon set** of additional voir dire  
25 questions to be posed by the Court. Any voir dire questions on which counsel cannot  
26 agree may be submitted separately. Counsel will be allowed brief follow-up voir dire after  
27 the Court's questioning.

15 9. All documents filed with the Clerk of the Court shall list the civil case number  
16 followed by the initials "JL." One copy shall be clearly marked as a chambers copy.

18 || IT IS SO ORDERED.

19 || DATED: May 14, 2008

  
James Larson  
Chief Magistrate Judge